

REMARKS/ARGUMENTS

Claims 17-22, 24-27, 29-33, 35, 39, and 40 remain in the present application. Claims 17, 33, 39, and 43 are currently amended. Applicant reserves the right to file one or more divisional/continuation applications directed to canceled subject matter cancelled by this amendment.

Rejection Under 35 U.S.C. § 132 (New Matter)

The Office Action asserts that the term “non-flotation process” constitutes new matter, and that the Examiner will reinstate his prior art rejections once this claim term is removed. The Applicants respectfully request the Examiner’s reconsideration or suggestions on this issue.

The examiner’s former rejections were premised on the notion that the claims covered wash-based processes because washing was an inherent step in any flotation system. In response to these rejections, the applicants amended the claims to clearly indicate that the washing occurred in a single stage, to distinguish the wash stage from flotation stages in combined washing/flotation systems. Applicants respectfully submit that the term “wash stage” adequately distinguishes the prior art, because the prior art does not disclose processes in which washing and flotation occurs in one single stage. If the Examiner agrees that this amendment overcomes the prior art, then we can agree to an Examiner’s amendment that removes the “non-flotation” language in the claims.

If the examiner is not in agreement, then we respectfully submit that the application has more than adequate support for the “non-flotation” limitation flowing from the background of the specification. In particular, on page 1, lines 12-19, the background specifically distinguishes between combined “washing/flotation” processes and “washing” processes. The “non-flotation” process recited in the claims is the “washing” system referenced in this background discussion. Applicants respectfully submit that this contrast between combined wash/flotation processes and wash processes provides clear written description support for non-flotation systems. As the examiner knows, ipsim verbis support is not required to satisfy the “new mater” requirement. “Rewording of a passage where the same meaning remains intact is permissible. MPEP § 2163.07. The use of the term “non-flotation” was adopted simply to clarify for the Examiner that

which was already inherent in the claims -- to wit, a limitation to wash-based processes other than flotation/wash combinations.

The Examiner mentions the fact that the example on page 21 is a flotation system. The fact that this invention can be used in flotation processes is, however, not relevant. The first 2 lines on page 2 of the specification indicate unequivocally that the primary focus of the application is "wash" deinking processes by stating -- There is a need to further improve the brightness of the paper pulp produced by wash deinking processes." This discussion follows soon on the heels of the discussion on page 1 contrasting combination processes from wash processes, and indicates clearly that the invention was intended to cover wash processes (i.e. non-flotation processes).

Applicants respectfully submit that the term "wash stage" overcomes the previously cited prior art, and that the term "non-flotation" is adequately supported by the specification.

Rejection Under 35 U.S.C. §103 in view of Calmanti et al.

The Office Action states that the claims are obvious based upon the disclosure of Calmanti et al. (US 4,360,439). The claims have been amended to require that the surfactants "consist essentially of" the nonionic alcohol ethoxylates of the present invention. Because Calmanti discloses compositions that contain sulfonate anionic surfactants, and would not have motivated a skilled worker to remove the sulfonates from the composition, it is respectfully submitted that the amendment overcomes the rejection.

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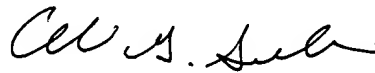
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Serial No. 09/699,303
Amendment After Final
Date of Amendment and Response March 1, 2004

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 11-0980.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Clark G. Sullivan".

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